

10/714, 957.

Patent
Attorney's Docket No. 1032930-000005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

William H. DAVIS

Patent No.: 7,087,809

Issued: August 8, 2006

Title: NATURAL HERBICIDE RESISTANCE
IN WHEAT



Attention: Certificate of Corrections
Branch

Certificate
OCT 23 2006
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Issuance of a Certificate of Correction for the above-captioned patent is respectfully requested in accordance with the accompanying Form PTO-1050 (submitted in duplicate).

- ☐ The requisite government fee of \$ 100:
- ☐ is submitted herewith;
 - ☐ is authorized to be charged to Deposit Account No. 02-4800; or
 - ☐ charge to credit card. Form PTO-2038 is attached.
- ☒ It is believed that payment of a fee is unnecessary as this error occurred on the part of the U.S. Patent and Trademark Office. In the May 17, 2006 Supplemental Examiner's Amendment (copy enclosed), Examiner Keith Robinson indicated through an error on his part, the word "whole" had been inadvertently typed instead of "wheat". It appears that all of the corrections indicated in this Supplemental Examiner's Amendment had not been affected prior to issuance of the patent.


OCT 23 2006

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. § 1.20(a) that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 19, 2006

By: 
Benton S. Duffett, Jr.
Registration No. 22030

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620

OCT 23 2006

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,087,809
DATED : August 8, 2006
INVENTOR(S) : William H. DAVIS

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims:

Claim 1, line 1, before "plant", please delete "whole" and insert --wheat--.

MAILING ADDRESS OF SENDER:

PATENT NO. 7,087,809

BENTON S. DUFFETT, ESQ.
BUCHANAN INGERSOLL & ROONEY PC
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Alexandria, Virginia 22313-1404



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INVENTOR(S) : William H. DAVIS

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,957

11/18/2003

William H. Davis

032930-005

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21839

7590

05/17/2006

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

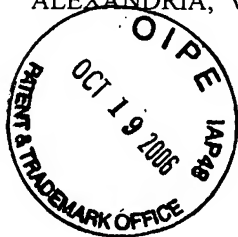
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ART UNIT

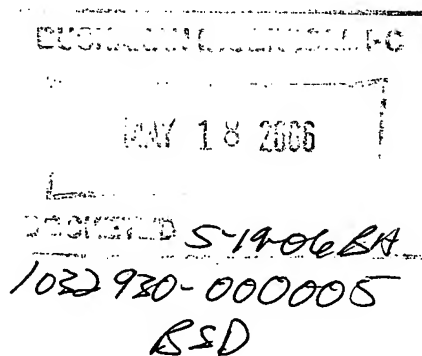
PAPER NUMBER

1638

DATE MAILED: 05/17/2006



Please find below and/or attached an Office communication concerning this application or proceeding.



SUPPLEMENTAL EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

In claim 1, line 2 of the Examiner's Amendment in the Notice of Allowance mailed April 18, 2006, the Examiner mistakenly typed the word "whole" instead of the word "wheat"

The application has been amended as follows: 1. (Currently Amended) A process is provided for selecting a [whole] wheat plant which exhibits genetically-controlled naturally-occurring glyphosate herbicide resistance that is not attributable to genetic engineering consisting of:

(a) soaking mature wheat seeds that [in the absence of induced mutagenesis which] have not been mutagenized and are not genetically engineered for herbicide resistance in a liquid comprising glyphosate herbicide for a period of time sufficient for the glyphosate herbicide to reach the embryos of the wheat seeds,

(b) planting the wheat seeds following the soaking of step (a) in a growing medium and producing at least one wheat plant, and

(c) selecting a wheat plant from step (b) or from a subsequent generation that is produced following self-pollination which exhibits genetically-controlled naturally-occurring glyphosate herbicide resistance that is not attributable to a foreign gene for herbicide resistance introduced by genetic engineering.

Art Unit: 1638

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith O. Robinson, Ph.D. whose telephone number is 571-272-2918. The examiner can normally be reached on Monday - Friday 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith O. Robinson, Ph.D.

May 1, 2006

DAVID H. KRUSE, PH.D.
PRIMARY EXAMINER

